



CRL OP(MD) No.19318 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.19318 of 2023

P.SUMITHRA

... Petitioner / Accused No.4

Vs

THE INSPECTOR OF POLICE
PEW POLICE STATION,
THENI DISTRICT.
(CRIME NO. 202 OF 2023)

... Respondent / Complainant

For Petitioner : M/s.NA.Manimaran, Advocate
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

PRAYER : FOR BAIL IN CRIME NO. 202 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on
10.03.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and
29(i) of NDPS Act in Crime No.202 of 2023 on the file of the respondent police, seeks

bail.



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2.The case of the prosecution is that the petitioner and other accused persons were found in joint possession of Ganja (each containing 1.100 kgs of Ganja), whereas the petitioner possessed 6 kgs of Ganja and all these contraband were recovered from the possession of the petitioner. Thereby, the respondent police registered the present case against the petitioner.

3.The learned counsel for the petitioner would submit that as per the mahazar, dated 10.03.2023, the contraband recovered from the petitioner is only 6 kgs of Ganja, is an intermediate quantity and not a commercial quantity. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor for the State would submit that as per the mahazar, dated 10.03.2023, the quantity recovered from the petitioner is only 6 kgs of Ganja and she also made a confession statement before the respondent police stating that she and other accused persons purchased Ganja from Andrapradesh and retained some portion in the bushes and thereafter, took the Ganja from the bushes and sold the same periodically. He would further submit that apart from this case, there are five previous cases pending against her and she has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel on either side and perused the material records of the case.

6. Considering the facts that the quantity involved in this case is a commercial quantity and the petitioner is having five previous cases and also considering the fact that the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

7. In the result, this Criminal Original Petition is dismissed.

sd/-
02/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1. The Inspector of Police,
PEW Police Station,
Theni District.

2. The Superintendent,
Central Female Jail, Madurai.



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.19318 of 2023
Date :02/01/2024

ED/ DD /SAR- (09/01/2024) 4P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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